

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RONALD DELA CRUZ,)
Plaintiff,)
v.) Case No. 2:07-cv-784-LRH-RJJ
ALBERTO GONZALES, U.S.)
Attorney General, et al.,)
Defendants.)

)

AMENDED

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE A REPLY TO
PLAINTIFF'S RESPONSE TO DEFENDANT'S [sic] MOTION TO
DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
(Second Request)**

Defendants, by and through their attorneys, Steven W. Myhre, United States Attorney for the District of Nevada, and Carlos A. Gonzalez, Assistant United States Attorney, respectfully request a thirty-day extension of time, up to and including January 28, 2008, in which to file a responsive pleading to Plaintiff's Response to Defendant's [sic] Motion to Dismiss for Lack of Subject Matter Jurisdiction (Docket No. 15). In support of this

1 request for an extension of time, Defendants rely upon the
2 Memorandum of Points and Authorities set forth below.

3 DATED this 20th day of December, 2007.

4 Respectfully submitted,

5 STEVEN W. MYHRE
United States Attorney

6 /s/ Carlos A. Gonzalez
7 Carlos A. Gonzalez
8 Assistant United States
Attorney

9 OF COUNSEL:

10 David L. Peters, ARC
Dept. of Homeland Security

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BACKGROUND**

3 Plaintiff filed his Complaint for Declaratory Relief
4 ("Complaint") (Docket No. 1) with the Court on June 14, 2007.
5 Service on the United States Attorney's Office pursuant to Fed.
6 R. Civ. P. 4(i) was accomplished by certified mail on August 7,
7 2007. On October 4, 2007, Defendants filed a Motion to Dismiss
8 for Lack of Subject Matter Jurisdiction ("Motion to Dismiss")
9 (Docket No. 12). And on November 13, 2007, Plaintiff filed a
10 response to Defendants' Motion to Dismiss (Docket No. 15).
11 Defendants' filed their first Motion for Extension of Time to
12 file a reply in support of Defendants' Motion to Dismiss on
13 November 27, 2007 (Docket No. 16), which the Court granted on
14 December 4, 2007 (Docket No. 17). Defendants' reply is now due
15 on December 27, 2007.

16 As of this date, the undersigned counsel has not received
17 the necessary documentation from the United States Citizenship
18 and Immigration Services ("CIS") with which to address arguments
19 raised by the Plaintiff. Therefore, the Defendants respectfully
20 request a thirty-day extension of time, up to and including
21 January 28, 2008, in which to file a reply in support of
22 Defendants' Motion to Dismiss.

23 **II. ARGUMENT**

24 The Federal Rules of Civil Procedure provide for an
25 enlargement of time for cause shown.

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When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion ... order the period enlarged if request therefor is made before the expiration of the period originally prescribed

Fed. R. Civ. P., Rule 6(b).

1. As of this date, the undersigned counsel has not received the necessary documentation from the CIS with which to address arguments raised by the Plaintiff. Therefore, the Defendants respectfully request a thirty-day extension of time, up to and including January 28, 2008, in which to file a reply in support of Defendants' Motion to Dismiss.

2. This request is made prior to the expiration of the time granted by the Court's order dated December 4, 2007 (Docket No. 17).

III. CONCLUSION

Therefore, the Defendants request that this honorable Court grant a thirty-day extension of time, up to and including January

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1 28, 2008, in which to file a reply in support of Defendants'
2 Motion to Dismiss.

3 DATED this 20th day of December, 2007.

4 Respectfully submitted,

5 STEVEN W. MYHRE
United States Attorney

6 /s/ Carlos A. Gonzalez
7 Carlos A. Gonzalez
8 Assistant United States
Attorney

OF COUNSEL:

9 David L. Peters, ARC
10 Dept. of Homeland Security

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13 IT IS SO ORDERED:

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17 LARRY R. HICKS
18 UNITED STATES DISTRICT JUDGE

19 DATED: January 2, 2008